

E-FILED 1/16/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERIC AUSTIN NIVA,

NO. C 03-0908 RS

Plaintiff,

ORDER RE BRIEFING

v.

UNITED STATES OF AMERICA,

Defendant.

Upon further review of the liability issues that the parties have submitted for decision, the Court finds that additional briefing would be appropriate. On or before February 4, 2008, the parties shall file briefs, not to exceed 20 pages each, setting forth their positions with respect to “the comparative negligence of the United States and Mr. Niva” and “whether any negligence by defendant was a cause of the accident, or whether plaintiff’s actions were the sole cause.” See Joint Case Management Conference Statement filed December 5, 2007. The parties need *not* address the issue of “whether the United States consciously failed to act to avoid the danger.” See *id.*

The parties’ briefs should include citations to such evidence that was presented at trial as they may believe bears on these issues. On or before February 19, 2008, the parties may file

1 responsive briefs, not to exceed 10 pages each. The matter will then again be taken under
2 submission.

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4 IT IS SO ORDERED.

5 Dated: January 16, 2008


RICHARD SEEBORG
United States Magistrate Judge

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ORDER
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THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:

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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the Court's CM/ECF program.

Dated: 1/16/08

Richard W. Wieking, Clerk

By: Chambers

ORDER
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